

## **REMARKS**

Currently claims 1, 3-11, 17, 24, 27-30 and 36 are pending. Claims 11 and 30 have been withdrawn. Claims 2, 12-16, 18-23, 25, 26 and 31-35 have been cancelled. Claims 1, 3, 4, 17, 27 and 36 have been amended.

### **Rejections Under § 112**

Claims 1, 3-10, 17, 24 and 27-29 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3, 4, 17 and 27 have been amended to correct typographical errors. Applicant respectfully submits that the claims 1, 3, 4, 17 and 27, and by extension dependent claims 5-10, 24, 28 and 29 comply with 35 U.S.C. § 112. These amendments are not made for reasons of patentability.

### **Rejections Under § 102**

Pending claims 1, 5, 6, 17, 24, 27-29 and 36 stand rejected under 35 U.S.C. § 102(b) in view of Wood (U.S. Patent No. 1,602,424), Ochsner (U.S. Patent No. 2,037,999) and/or Barnard (U.S. Patent No. 1,733,988). Claims 1 and 17 have been modified to more clearly define the invention.

Claims 1 and 17 have been rejected in view of Wood, and separately in view of Barnard. The Office Action points out, “that the claim does not specify that the recited hinge arm positioning is confined to the ‘travel’ position.” This distinction is overcome by the present amendments. Neither Wood nor Barnard disclose that a closest connection between the trailer bed and the axle is non-vertical when the trailer bed is in the lowered position.

Claims 1 and 17 have been amended to recite that the hinge arm and trailer bed define a gap open towards said dump end. Neither Wood nor Barnard teach a non-vertical hinge arm, in

the lowered position, which defines such an open angle and gap extending from a hinge arm to a trailer bed. For example, Barnard suggests a closed triangle structure. Claims 1 and 17 are not taught or suggested by Wood or Barnard for at least this reason as well.

Regarding claim 36, the Office Action notes that the container and front panel were not positively recited *per se* and were therefore given little patentable weight. Further the Office Action alleges that if the front panel were initially below the hinge arm, the related function of the hinge arm and panel would read on the claim language. Applicant has amended claim 36 to positively recite the container and front panel elements and their relative height to the pivot height. Neither, Wood nor Ochsner teach or suggest the structure of claim 36, as amended. For example, neither disclose a dump bed and hinge arm configured to allow a container front panel to pass through a line defined as passing through the pivot location and perpendicular to the dump bed without the hinge arm contacting the panel as the dump bed moves from the lowered position to the raised position.

Applicant respectfully asserts that claims 1, 17 and 36, as amended, are allowable over Wood, Ochsner and Barnard under 35 U.S.C. § 102(b) since none of these references teach or suggest all the claim elements of claims 1, 17 and 36. Claims 3-6, 24 and 27-29 are dependent upon claims 1 and 17 and are allowable for at least this reason.


### **Rejections Under § 103**

Pending claims 7-10 stand rejected under 35 U.S.C. § 103(a) in view of Wood and Barnard separately. Applicant respectfully asserts that claims 7-10, which are dependent on claim 1, are allowable under 35 U.S.C. § 103(a) due to at least this dependency since neither Wood nor Barnard disclose all claimed features in claim 1, as amended.

In summary, Applicant has amended claims 1, 3, 4, 17, 27 and 36. Applicant respectfully submits that all pending claims, as amended, are allowable over the cited references and requests their approval.

Applicant wishes to thank the Examiner for consideration of this Response After Final Office Action. The Examiner is invited to contact the undersigned directly if it would be helpful to the advancement of this case.

Respectfully submitted,

By   
Charles J. Meyer  
Reg. No. 41,996  
Woodard, Emhardt, Moriarty, McNett &  
Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456